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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/783,864	02/23/2004	Manfred Ueberschar	VOI0211.US	7576
7590 Todd T. Taylor Taylor & Aust, P.C. 142 S Main St. P.O. Box 560 Avilla, IN 46710			EXAMINER BAREFORD, KATHERINE A	
			ART UNIT 1792	PAPER NUMBER
			MAIL DATE 12/21/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Advisory Action Before the Filing of an Appeal Brief	Application No. 10/783,864	Applicant(s) UEBERSCHAR ET AL.	
	Examiner Katherine A. Bareford	Art Unit 1792	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 11 December 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
- b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
- (a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ They raise the issue of new matter (see NOTE below);
- (c) ☒ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
- The status of the claim(s) is (or will be) as follows:
- Claim(s) allowed: _____.
- Claim(s) objected to: _____.
- Claim(s) rejected: 24-36 and 38-45.
- Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE


8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____
13. ☐ Other: _____.

Continuation of 3. NOTE: the proposed amendment to independent claim 24 to provide that the material web is a paper web, and to put the features of claims 34 and 36 into claim 24 raises new issues that would require further consideration and/or search by the Examiner because (1) all of these features have not previously been required in combination, and thus a different invention is now provided, (2) these added features to claim 24 raise further considerations as to the dependent claims which also did not previously require all these features in combination, and further raise new issues as to the combination of the new paper web features of claim 24 with the paper or "cardboard" base of claims 43, 44, because the possibility of a cardboard web appears to widen the scope of these claims beyond the parent claim.

Continuation of 11. does NOT place the application in condition for allowance because: The proposed amendment has not been entered as discussed in Box 3 above. Therefore, the arguments are considered as they apply to the claims as provided by the amendment of September 7, 2007. As to the arguments as to the provision of the amounts of application medium applied (which apply to claims 34 and 36), the Examiner notes that in the Final Rejection of October 11, 2007, at pages 6 and 7, she noted why the primary reference to Nakamura specifically provides an application amount for the first application medium of 14 ml/m² (within the claimed range of claim 34) and and second application medium amount of 19.58 ml/m² (within the claimed range of claim 36). Thus, the use of amounts in the claimed range are taught by Nakamura. As to the European Patent Office approving a parallel patent application, the United States Patent and Trademark Office is not bound by the decisions of the European Patent Office. As to the separation of the multilayer material of Finnium into separate tandem curtains, the use of tandem curtains is clearly described by Nakamura, which would clearly describe to one of ordinary skill in the art how tandem curtains operate. As to the spacing and amount to provide immobilization to prevent damage, this is discussed at pages 12-13 of the Final Rejection of October 11, 2007 (it applies to amounts of claims 34, 36 as well, since Nakamura provides application of amounts within the claimed ranges as discussed above) and the Examiner maintains that position. The benefits of using pressure control is discussed at page 13 of the Final Rejection of October 11, 2007, and the Examiner maintains that position. Therefore, the rejection of claims 24+ is maintained. As to claims 35 and 40, the rejection of these claims is maintained as the rejection of claim 24 is maintained above, and no further arguments have been provided as to the dependent claims..


KATHERINE BAREFORD
PRIMARY EXAMINER